



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 06-015
ACTION AGAINST)	
)	Notice of Administrative
Angel Kavanaugh)	Charges
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I. JURISDICTION

1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

II. ALLEGATIONS

2. Respondent Angel Kavanaugh is a candidate in the November 8, 2005 general election for an open seat on the Hoquiam City Council. Her opponent in this race is Kyla Houchens.

a. Respondent Kavanaugh violated RCW 42.17.510 by failing to identify herself as the sponsor of political advertising in the form of a postcard, which was sent to City of Hoquiam residents in August 2005 ("the Houchens postcard"). The postcard, which contained derogatory comments about Ms. Houchens, falsely implied that it had been sponsored by Ms. Houchens.

b. Respondent Kavanaugh violated RCW 42.17.120 by concealing campaign expenditures for the printing and distribution of the Houchens postcard when she falsely implied that it had been sponsored by Ms. Houchens.



III. RELEVANT LAW

3. RCW 42.17.510(1) requires that “[a]ll written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor’s name and address. ... The use of an assumed name shall be unlawful.”

4. RCW 42.17.120 states in part that “[n]o expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.”

IV. FACTS SUPPORTING ALLEGATIONS

4. Respondent Kavanaugh and Kyla Houchens are candidates for an open seat on the Hoquiam City Council. The election is scheduled to take place on November 8, 2005.

5. On August 7, 2005, Respondent Kavanaugh sent an e-mail accompanied by an attachment from her e-mail address, angel1969@comcast.net, to the Staples Office Supply store in Aberdeen, Washington (Staples). The text of the e-mail message read as follows:

I need 680 of these post cards copied and cut ASAP.
Thanks
Angel
590-4207

6. The Microsoft Publisher file, which was attached to the email, contained the following text:

HI, my name is Kyla Houghens [sic] and I am running for city council in Hoquiam. Why should you vote for me? 1st – I know how to get and spend government monies, I live on welfare & food stamps. 2nd – I do not think we have any issues with teenage unwed mothers, my 17 year old daughter has a baby by her 22 year old boyfriend and she now gets welfare for her and the baby. 3rd – I have working knowledge of government programs like housing, I am on Sec 8 and only pay \$128 for rent. I am NOT a home owner. 4th – My husband has a criminal record for assaults here in Hoquiam, so I know a little about how the police dept works too. SO why not vote for me. [sic] Call me if you want more info on me or my family.

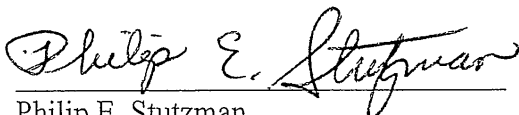
7. Respondent Kavanaugh's August 7, 2005 e-mail order was processed by Staples employee, Deborah Gerchak. Before processing the order, Ms. Gerchak contacted Respondent Kavanaugh using the cell phone number provided in the e-mail order and clarified that Respondent Kavanaugh wanted to order 170 sheets of postcards with four postcards to a page, rather than 680 sheets with one postcard to a page, as stated in her e-mail order. Ms. Gerchak printed the order on August 7, 2005. Ms. Gerchak does not know Ms. Kavanaugh except as a customer of the store.

8. Respondent Kavanaugh picked up the postcards from Staples on August 8, 2005. Respondent Kavanaugh purchased mailing labels at the same time that she paid for the postcards.

9. During the second week of August, Respondent Kavanaugh mailed the Houchens postcards to residents of the City of Hoquiam. In addition to the text message set forth above, the postcards also included Ms. Houchens' mailing address and telephone number, further reinforcing the impression that Ms. Houchens was the sponsor. The postcards did not contain any information indicating that Respondent Kavanaugh was the true sponsor of the political advertising.

10. Over the summer of 2005, Respondent Kavanaugh used her e-mail account to submit two additional orders to Staples for postcards containing political advertising. These orders, dated July 28, 2005 and August 18, 2005, were submitted in a manner identical to the order for the Houchens postcard, but the text of the postcards supported Respondent Kavanaugh's candidacy, and included Ms. Kavanaugh's return address.

RESPECTFULLY SUBMITTED this 14th day of October, 2005.


Philip E. Stutzman
Director of Compliance